

### **REMARKS**

This amendment is in response to the Office Action dated August 23, 2006. In the amendment, claims 1, 2, 8 and 9 have been amended and claims 1-13 remain pending in the application. Reconsideration of the pending claims in light of this amendment and the following remarks is respectfully requested.

These amendments add no new matter. The recitation of the the photographing direction in the range of  $\theta b$  when it is "about 60 degrees or more" away from the front of said display screen is explicitly described in the specification as filed and in accord with the suggestion of the Examiner.

Claims 1, 2, 8 and 9 were objected to for containing informalities. Specifically, the Examiner variously requests use of the term "said" in lieu of the term "the" and Applicant has made changes accordingly. Applicant has also revised the noted language related to the photographing detecting means in claim 1 to remove any potential for ambiguity. Applicant respectfully requests reconsideration and withdrawal of the objection to the claims.

Claims 1-13 have been rejected under 35 U.S.C. § 112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claim 1 according to the suggestion of the Examiner, and respectfully requests reconsideration and withdrawal of the rejection of the claims in this regard.

Claims 1-3, 5-10 and 12 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,550,754 to McNelley et al. ("McNelley") in view of U.S. Pat. No. 5,621,462 to Takahashi et al. ("Takahashi"), further in view of U.S. Pat. No. 5,764,291 to Fullam ("Fullam") and still further in view of JP 08-223492 to Wakabayashi et al. ("Wakabayashi"). This rejection is traversed.

Claim 1 has been amended and now recites: *[a] device for controlling an exposure of an electronic camera, said camera being mounted on an electronic apparatus having a display screen and the camera being capable of setting a photographing direction to at least a forward*

*direction or a rearward direction relative to the front of said display screen, said device comprising:*

*exposure detecting means for generating exposure detection information indicative of the average magnitude of said video signals of a photographed image based on video signals generated by the electronic camera;*

*exposure adjusting means for adjusting the exposure of the electronic camera based on said exposure detection information generated by said exposure detecting means;*

*camera support means for rotating the electronic camera in a plane perpendicular to and in a plane that vertically extends from the display of the electronic apparatus;*

*photographing direction detecting means for outputting a corresponding direction detection signal when the photographing direction of the electronic camera is set to the rearward direction,*

*wherein said exposure detecting means logically divides one photographed image according to first and second patterns, and in the division by said first pattern, divides said photographed image into an upper area and a lower area to generate first exposure detection information relatively strongly reflecting the magnitude of said video signal corresponding to said lower area; and in the division by said second pattern, divides the photographed image into a central area and a peripheral area to generate second exposure detection information relatively strongly reflecting the magnitude of the video signal corresponding to said central area,*

*wherein said camera support means is located on at least one end of the electronic camera,*

*wherein said photographing direction detecting means is adjacent to said camera support means,*

*said exposure adjusting means adjusts the exposure of the electronic camera on the basis of said first exposure detection information when said photographing direction detecting means outputs said direction detection signal,*

*wherein said exposure adjusting means adjusts the exposure of the electronic camera on the basis of said second exposure detection information when the photographing direction detecting means does not output a direction detection signal,*

*wherein said photographing direction detecting means outputs the direction detection signal only when the photographing direction is rotated on said camera support means in a range of  $\theta b$ , and*

*wherein the photographing direction is in the range of  $\theta b$  when it is about 60 degrees or more away from the front of said display screen.*

These claimed features are neither disclosed nor suggested by the relied upon references, whether taken alone or in combination.

For example, the references do not disclose the feature of providing the second exposure detection information when the photographing direction detection means does not output a direction detecting signal. That is, when the camera is in the “forward direction” relative to the front of the display screen, presumably facing the user, the second exposure detection information (and the correspondingly recited central weighting features) is used. When the photographing direction detection means outputs the direction detecting signal (i.e., when the camera is in the rearward direction), the first exposure detection information is used.

McNelley discloses mounting a camera on an electronic apparatus with a display, but offers no disclosure or suggestion regarding any consideration or alteration of the exposure setting to be used depending upon whether the camera faces rearward or forward.

Takahashi effects exposure control and generally teaches the possibility of central weighting. However, Takahashi offers no mention of making such central weighting dependent upon whether the camera faces rearward or forward.

Fullam is offered as a remedy for the deficiencies of McNelley and Takahashi, but also fails to disclose or suggest the noted features. Fullam alters the exposure settings for a regular (e.g., point-and-shoot) camera based upon orientation, such as depending upon whether a portrait or landscape orientation is detected. This differs from Applicant’s claimed invention, which makes a distinction based upon whether the camera is forward or rearward facing in relation to a display screen as noted. Thus Fullam detects a different type of condition and draws different conclusions. With Applicant’s claimed invention, when the camera is determined to be forward facing, the exposure settings are automatically weighted in the expectation that a subject in front of the apparatus will be photographed, as opposed to the exposure settings that are used when

the camera is facing in the other direction. There is absolutely no mention or any discussion as to this feature in any of the relied upon references, including Fullam.

Wakabayashi discloses certain features for mounting a camera and for detecting the position thereof, but also makes no mention of altering the exposure settings in the fashion claimed by Applicant.

Accordingly, even the combination of McNelley, Takahashi, Fullam and Wakabayashi would still fail to yield the features of Applicant's claimed invention. At best, the combination would appear to yield an apparatus on which a camera is mounted, and, according to the teachings of Fullam, changing the exposure settings based upon whether the camera is oriented for portrait or landscape photographs. There is no mention of the particular features claimed by Applicant, wherein a forward facing camera is accorded centrally weighted exposure settings and the rearward facing camera is accorded different exposure settings.

Still further, Applicant submits that the four way combination of references is improper, due to the absence of a proper motivation to make the combination. McNelley and Wakabayashi disclose the mounting of cameras on apparatus, whereas Fullam teaches a traditional camera. As mentioned, Fullam relates to a completely different set of problems, and as such detects different conditions (e.g., portrait v. landscape) and makes different changes to settings based upon the detection of such conditions. Applicant submits that the four way combination amounts to an attempt to reconstruct the claimed invention in hindsight.

Claims 2, 3, 5-10 and 12 respectively depend from independent claim 1 and thus incorporate the features recited therein. These claims are thus distinct from the relied upon references for the reasons stated above, as well as for their separately recited, patentably distinct features.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-3, 5-10 and 12 under 35 U.S.C. 103(a) as being unpatentable over the combination of McNelley, Takahashi, Fullam and Wakabayashi.

Claims 11 and 13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over McNelley, Takahashi, Fullam and Wakabayashi, and further in view of U.S. Pat. No. 5,880,783

to Ma ("Ma"), and claim 4 has been rejected under the same statutory section as being unpatentable over McNelley, Takahashi, Fullam and Wakabayashi, and further in view of U.S. Pat. No. 5,677,733 to Yoshimura et al. ("Yoshimura"). These rejections are traversed.

Claims 4, 11 and 13 depend from independent claim 1 and thus incorporate the features described above.

Neither Ma nor Yoshimura remedies the deficiencies of the first-four relied upon references. Ma discloses a digital camera for a computer and, like McNelley, Takahashi, Fullam and Wakabayashi as described above, fails to disclose or suggest determination of exposure setting information according to whether the camera is facing forward or rearward, as claimed by Applicant.

Yoshimura discloses an exposure control device with a light measuring area setting circuit that sets a light measuring area on an image sensing plane. A discriminating circuit discriminates states of the image sensing plane through portions corresponding to the inside and the outside of the light measuring area and an exposure compensating circuit. The exposure compensating circuit shifts the set position of the light measuring area to trace an object's image at least when the exposure compensating circuit is in operation. Again, there is no apparent disclosure or suggestion of the particular features recited in independent claim 1, so the addition of Yoshimura would also fail to remedy the deficiencies of the other relied-upon references.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 4, 11, and 13 under 35 U.S.C. 103(a) as being unpatentable over the noted references.

For the foregoing reasons, reconsideration and allowance of the claims which remain in the application are solicited. If any further issues remain, the Examiner is invited to telephone the undersigned to resolve them.

Dated:

Respectfully submitted,

By

Ronald P. Kananen

Registration No.: 24,104

Christopher M. Tobin

Registration No.: 40,290

Attorney for Applicant

**RADER, FISHMAN & GRAUER, PLLC**

Lion Building

1233 20<sup>th</sup> Street, N.W., Suite 501

Washington, D.C. 20036

Tel: (202) 955-3750

Fax: (202) 955-3751

Customer No. 23353